



ORDINANCE NUMBER 2941

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW AUTOMOTIVE PARTS SALES AND INSTALLATION, AND AUTOMOTIVE REPAIRS, MODIFICATIONS, AND UPGRADES TO CLASSIC CARS IN TWO EXISTING BUILDINGS OF APPROXIMATELY 10,400 SQUARE FEET EACH, LOCATED ON TWO ADJACENT LOTS OF 1.134 ACRES AND 0.969 ACRES AT 13700 DIPLOMAT DRIVE, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF DIPLOMAT DRIVE AND DELEGATE DRIVE, WITHIN THE PLANNED DEVELOPMENT NO. 22 (PD-22) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow automotive parts sales and installation, and automotive repairs, modifications, and upgrades to classic cars in two existing buildings of approximately 10,400 square feet each, located on two adjacent lots of 1.134 acres and 0.969 acres at 13700 Diplomat Drive, generally located at the southwest corner of Diplomat Drive and Delegate Drive, within the Planned Development No. 22 (PD-22) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 22 (PD-22) zoning district and in accordance with the approved site plan attached as Exhibit "C" and the approved plan of operation attached as Exhibit "D."

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

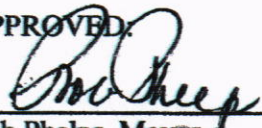
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, on this the 2nd day of October, 2007.**

APPROVED:



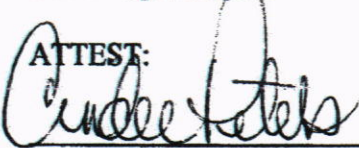
Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

EXHIBIT A

LEGAL DESCRIPTION

Being a 91,634 square feet or 2.1037 acre tract of land situated in the S.A. & M.G.R.R. Survey, Abstract No. 1418, Dallas County, Texas and being all of Lot 1, Block A of Dilomat-Valwood Park Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map recorded in Volume 2005081, Page 107, Deed Records of Dallas County, Texas, said tract of land conveyed to Diplomat Valwood L.P. by deed recorded in Volume 2003148, Page 3186, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod for a corner in the Southeast line of Diplomat Drive (a 100 foot right of way), said point being easterly, a distance of 575.39 feet from the East corner of a circular corner clip at the intersection of the South line of Diplomat Drive with the East line of Senlac Drive (a 160 foot right of way), said point being the common North corner of said Lot 1, Block A and Lot 2A, Block 7 of Valwood Park Farmers Branch, Phase Two recorded in Volume 86213, Page 3217, Deed Records of Dallas County, Texas, and said point lying in a curve to the left with a central angle of 34 degrees 16 minutes 55 seconds, a radius of 250.00 feet, a chord bearing of North 39 degrees 32 minutes 18 seconds East and a chord distance of 147.36 feet;

THENCE, the following courses and distances with the Southeast line of Diplomat Drive;

Northeasterly, along said curve, an arc distance of 149.58 feet to a found 1/2 inch iron rod at the point of tangency;

North 22 degrees 23 minutes 55 seconds East, a distance of 115.72 feet to a found 5/8 inch iron rod for a corner, said point being the common West corner of said Lot 1 and Lot 2, Block A of the said Diplomat - Valwood Park Addition;

THENCE South 67 degrees 36 minutes 05 seconds East, departing the Southeast line of Diplomat Drive and with the common line of said Lot 1 and Lot 2, a distance of 280.26 feet to a found 5/8 inch iron rod for a corner in the Northwest line of Cooks Branch, a tract of land conveyed to the Valwood Improvement Authority by Resolution #88-201 and said point being the common East corner of said Lot 1 and Lot 2;

THENCE, the following courses and distances with Cooks Branch:

South 22 degrees 21 minutes 14 seconds West, a distance of 38.95 feet to a found 1/2 inch iron rod for a corner;

South 22 degrees 36 minutes 05 seconds East, a distance of 39.59 feet to a found 1/2 inch iron rod for a corner;

Exhibit "A"

South 22 degrees 23 minutes 55 seconds West, a distance of 301.01 feet to a found 1/2 inch iron rod for a corner, said point being the common South corner of said Lot 1, Block A and Lot 2A, Block 7;

THENCE, the following courses and distances with the common line of said Lot 1 and Lot 2A:

North 22 degrees 14 minutes 31 seconds West, departing the Northwest line of Cooks Branch, a distance of 120.16 feet to a found 1/2 inch iron rod for a corner;

North 67 degrees 15 minutes 01 seconds West, a distance of 231.34 feet to a found 1/2 inch iron rod for a corner;

North 33 degrees 19 minutes 10 seconds West, a distance of 43.50 feet to the POINT OF BEGINNING.

NOTE: SELLER DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Exhibit "A"

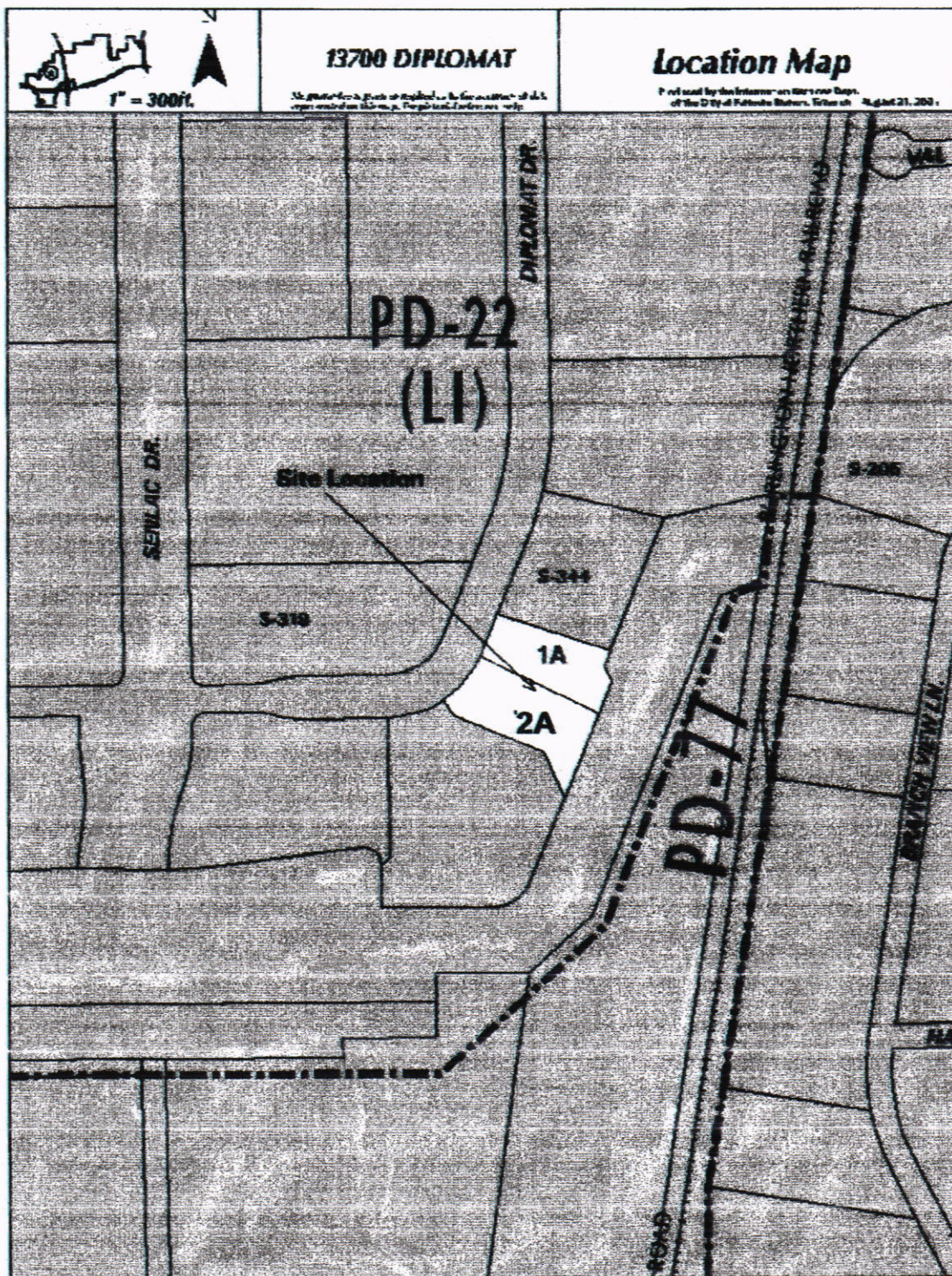


Exhibit "B"

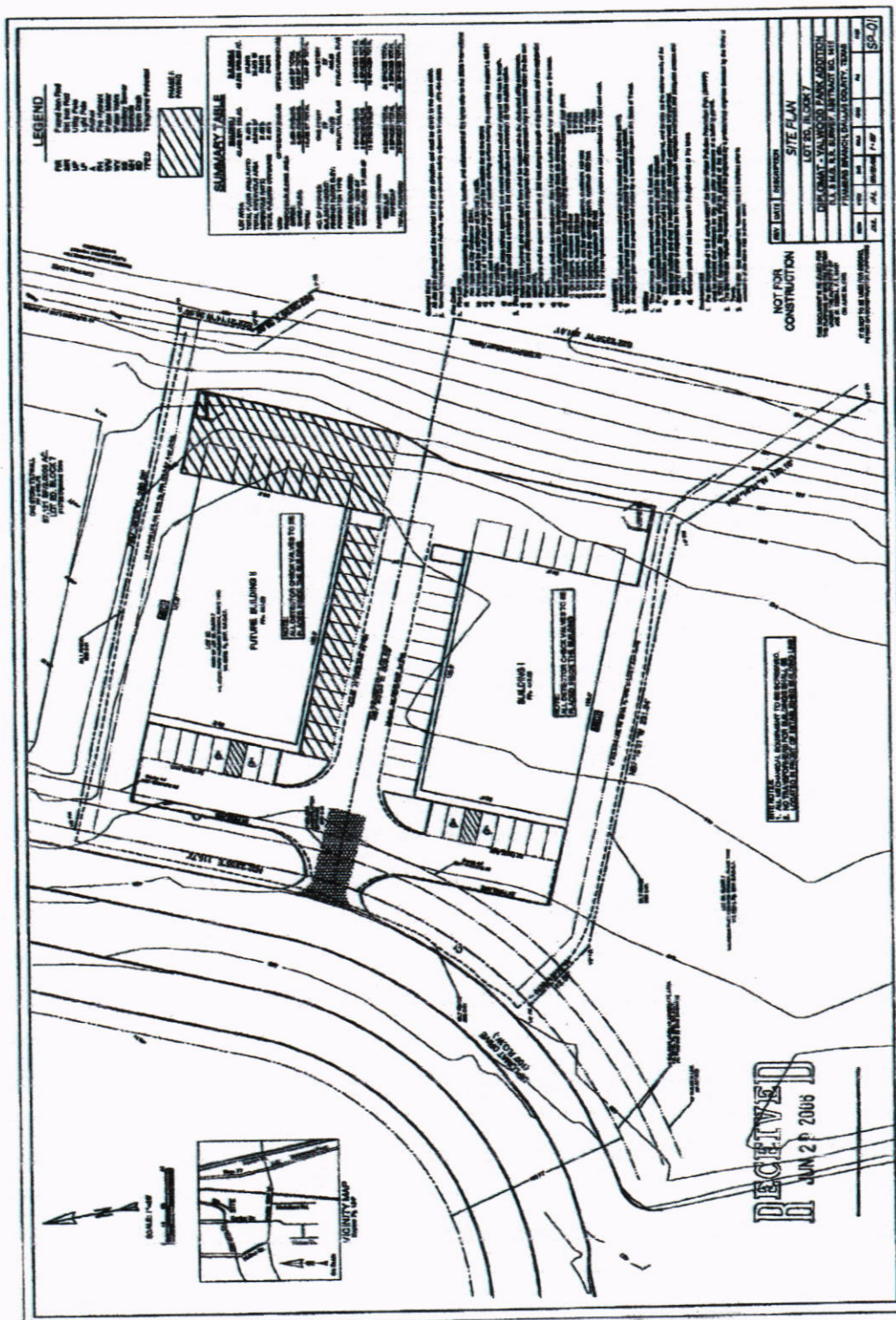


Exhibit "C"--APPROVED SITE PLAN (Approved as part of Resolution 2006-077, 08/07/06)

Gary Levy Architect
 124 E. 1st St. Suite 110
 St. Louis, MO 63102
 Phone: (314) 241-1111
 Fax: (314) 241-1112
 Email: gary@levyarchitect.com

Project: 88 Diplomat Business Center
Location: 88 Diplomat Business Center
Client: AI
Architect: Gary Levy Architect
Scale: 1/8" = 1'-0"

Notes:
 1. All elevations shall be in accordance with the International Building Code 2003.
 2. All elevations shall be in accordance with the International Plumbing Code 2003.
 3. All elevations shall be in accordance with the International Mechanical Code 2003.
 4. All elevations shall be in accordance with the International Fire Code 2003.
 5. All elevations shall be in accordance with the International Electrical Code 2003.
 6. All elevations shall be in accordance with the International Gas Code 2003.
 7. All elevations shall be in accordance with the International Fuel Gas Code 2003.
 8. All elevations shall be in accordance with the International Fire and Code 2003.
 9. All elevations shall be in accordance with the International Fire and Code 2003.
 10. All elevations shall be in accordance with the International Fire and Code 2003.

Legend:
 A. Architect
 E. Engineer
 S. Surveyor
 P. Planner
 D. Designer
 C. Contractor
 O. Owner
 T. Tenant

Project No.: A-01
Sheet No.: 1 of 1
Date: 6/17/08
Scale: 1/8" = 1'-0"

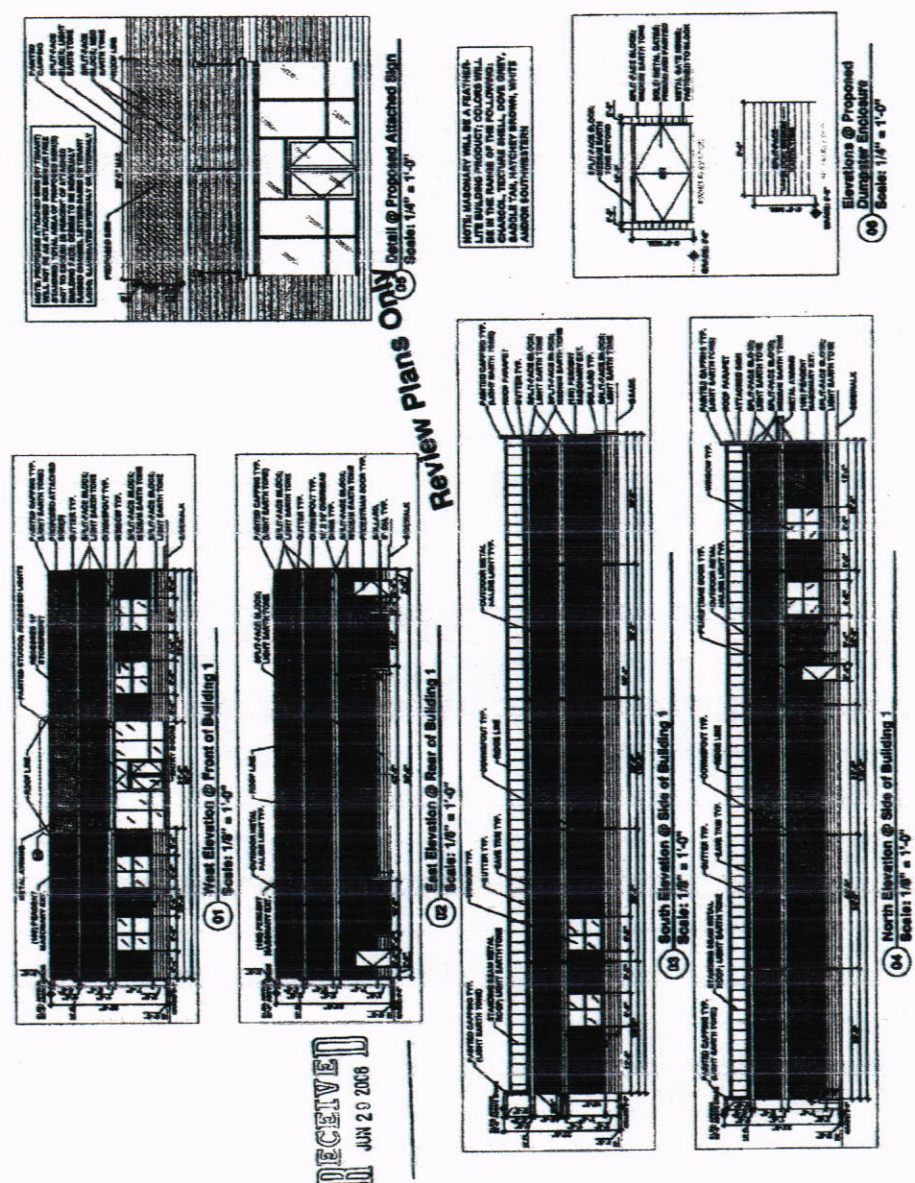


Exhibit "C" (continued) ELEVATIONS—BUILDING 1 (South, Lot 2A) (Approved as part of Resolution 2006-077)

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1300 DIPLOMAT
BUILDING I - EXPANDED FLOOR PLAN

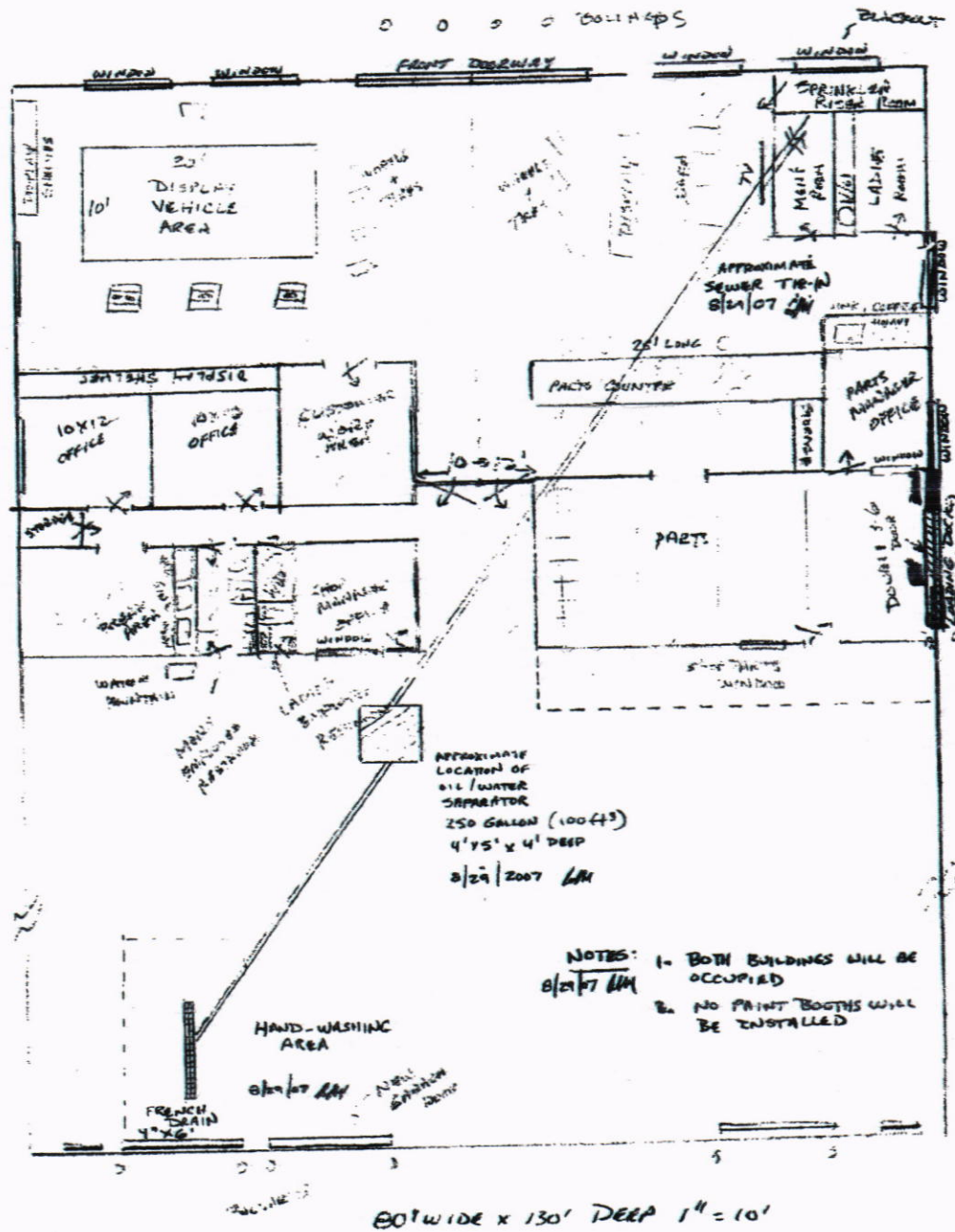


Exhibit "C" (continued) FLOOR PLAN—BUILDING 1, (LOT 2A) (Submitted with application)

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use PETITIONER PLANS TO USE THE FACILITY FOR AUTOMOTIVE PARTS SALES, INSTALLATION, REPAIRS, MODIFICATIONS, AND UPGRADES TO CLASSIC MUSCLE CARS. ONLINE SALES, DISTRIBUTION, AND WAREHOUSING IS PLANNED IN ADDITION TO UPSCALE CUSTOMER SHOWROOM.

Indicate hours of operation of the proposed use 8:00AM TO 5:00PM, MONDAY THROUGH FRIDAY. 8:00AM TO NOON ON SATURDAY.

Total number of employees 10-15 EMPLOYEES IN WAREHOUSE/SHOP AND AN ADDITIONAL 6 OFFICE /SALES EMPLOYEES

Indicate if any storage is proposed outside the building NONE

Indicate if any activity is proposed outside the building NONE

Any other relevant unique information on the business or site ALL ACTIVITY AND OPERATIONS WILL BE CONDUCTED INDOORS, WITH NO OUTSIDE STORAGE. USAGE IS IN AGREEMENT WITH THE CITY OF FARMERS BRANCH WEST SIDE DEVELOPMENT PLAN AND WILL ECONOMICALLY BENEFIT THE AREA. PROFESSIONALLY MANAGED AND MAINTAINED GROUNDS. PD-22 ZONING AND SPECIFIC USE PERMIT APPLIED FOR SHOULD ALLOW USAGE DESCRIBED BY PETITIONER.

G:\Planning and Zoning\Application Forms\Specific Use Permit\SUP oct2005\SUP Plan of Operation oct2005.doc, 11/07/2005

Exhibit 'D' – Plan of Operation.